

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 321 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

MAGANLAL ASHARAM

Versus

MAHAVIR VIJAY COOPERATIVE HOUSING SOCIETY

Appearance:

MR KV SHELAT for Petitioners
MR HM PARIKH for Respondent No. 1
RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 28/09/2000

ORAL JUDGEMENT

The present petitioner-original plaintiff of H.R.P.Civil Suit No.1986 of 1995 has filed the present Revision Application against the order passed by the learned Judge, Small Cause Court, Court No.13, Ahmedabad,

upon withdrawal pursis Exh.106 in H.R.P.Civil Suit No.1986 of 1995, dated 12-2-99, whereby the present respondent No.2-original third party has been permitted by the Court to transpose him as a plaintiff into the above suit. Against that order, present Civil Revision Application is preferred by the present petitioners.

2 I have heard learned advocates appearing for the respective parties at length. Looking to the facts and circumstances of the case, learned advocate for the petitioner-original plaintiff wants to withdraw withdrawal pursis Exh.106 filed in H.R.P. Civil Suit No.1986 of 1995 for which the other side has no objection. Hence, withdrawal pursis Exh.106 filed in H.R.P. Civil Suit No.1986 of 1995 stands withdrawn and order passed below the same dated 12-2-99 is hereby quashed and set aside. In view of the aforesaid order and when withdrawn pursis Exh.106 does not remain in existence, the trial Court has to proceed further into the suit according to law.

3. As a result of foregoing discussion, this Civil Revision Application accordingly stands disposed of. Rule discharged. Looking to the facts and circumstances of the case, the concerned Court below is hereby directed to expedite H.R.P. Civil Suit No.1986 of 1995 and if possible dispose of the same within six months from today.

(R.P.Dholakia,J.)

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